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SINGLE BENCH

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S)NO. 5119 /2006

PETITIONER :— **SMT. K. PAL**
aged about 40 years,
S/o Shri Ashok Kumar Pal
R/o. Power House Zone-1 Market
Khurshipar, Bhilai, Tahsil and District
Durg (C.G.)

VERSUS

P.R. No. 5142/06
Presented by Shri H.V. Sharma
dated 14/9/06

RESPONDENTS :1. **STATE OF CHHATTISGARH**
Through : Secretary
General Administrative Department
Mantralaya D.K.S., Bhawan , Raipur
(C.G.)

2. **THE COLLECTOR**
Durg, Distt. Durg (C.G.)

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3. **CHIEF MEDICAL OFFICER**
Durg, District Durg (C.G.)

4 5. **BLOCK MEDICAL OFFICER**
Patan, District Durg (C.G.)

5 **SMT. BHOJ SAHU**
Health Worker
Sub-Health Centre Pendri Tarai
District Durg (C.G.)

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 5119 of 2006

Petitioner: Smt. K. Pal

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri H. V. Sharma, Advocate for the petitioner.

Shri Arvind Dubey, Panel lawyer for the Respondents No. 1 to 4.

None for the respondent No.5.

O R D E R

(20th September, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J**.

1. The petitioner, who is a Female Health Worker, has filed this petition with the prayer to quash the transfer order dated 7.7.2006 (Annexure P/1), whereby she has been transferred from Sub-Primary Health Centre, Puraina (Patan), District- Durg to Pendri Tarai, Primary Health Center, Kandsara, District – Durg.
2. The only contention raised by learned counsel for the petitioner is that the petitioner has been transferred from the present place of posting to adjust the respondent No.5, who has been transferred vide order dated 7.7.2006 (Annexure P/3), at Sub-Primary Health Centre, Puraina (Patan), District- Durg, on her own request. I do not find any merit in the argument of learned counsel for the petitioner.
3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public

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interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner.

4. In view of the foregoing, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur